

**Nat'l Highway Traffic Safety Admin., DOT**

**§ 551.31**

to: Administrator, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590.

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**AUTHORITY:** Secs. 110(e), 119, 80 Stat. 719, 728 (15 U.S.C. 1399, 1407); 23 U.S.C. 315, 401–404; delegation of authority, 31 FR 13952, 32 FR 5606.

**SOURCE:** 33 FR 19700, Dec. 25, 1968, unless otherwise noted. Redesignated at 35 FR 5118, Mar. 26, 1970.

**Subpart A—General**

**§ 551.1 Scope.**

This part contains rules of procedure generally applicable to the transaction of official business under the National Traffic and Motor Vehicle Safety Act of 1966, the Motor Vehicle Information and Cost Savings Act, and the Highway Safety Act of 1966. These rules apply in addition to the rules governing specific proceedings. In case of inconsistency with these general rules, the specific rules prevail.

[33 FR 19700, Dec. 25, 1968. Redesignated at 35 FR 5118, Mar. 26, 1970, and amended at 38 FR 20086, July 27, 1973]

**Subpart B [Reserved]**

**Subpart C—Submittals in Writing**

**§ 551.31 Form of communications.**

Any communication in writing relating to official business (including formal documents) shall be on opaque and durable paper not larger than 9 by 14 inches in size. Tables, charts, or originals of other documents that are attached to communications shall be folded to this size, if possible. The left margin of communications shall be at least 1½ inches wide, and if a communication is bound, it shall be bound on the left side. All copies submitted shall be legible.

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### **§ 551.33 Address of communications.**

Unless otherwise specified, communications shall be addressed to the Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Communications may not be addressed to a staff member's private address.

[36 FR 1147, Jan. 23, 1971; 38 FR 20086, July 27, 1973]

### **§ 551.35 Subscription of communications.**

Each communication shall be signed in ink and shall disclose the full legal name and the address of the person signing it and, if he is an agent, of his principal.

### **§ 551.37 Language of communications.**

Communications and attachments thereto shall be in English. Any matter written in a foreign language will be considered only if accompanied by a translation into English. A translation shall bear a certificate by the translator certifying that he is qualified to make the translation; that the translation is complete except as otherwise clearly indicated; and that it is accurate to the best of the translator's knowledge and belief. The translator shall sign the certificate in ink and state his full legal name, occupation, and address.

## **Subpart D—Service of Process on Foreign Manufacturers and Importers**

SOURCE: 70 FR 45567, Aug. 8, 2005, unless otherwise noted.

AUTHORITY: 49 U.S.C. 30164.

### **DESIGNATION OF AN AGENT FOR SERVICE OF PROCESS**

### **§ 551.45 What is the purpose of this subpart?**

The purpose of this subpart is to establish a procedure for foreign manufacturers, assemblers and importers of motor vehicles and motor vehicle equipment to designate an agent in the United States on whom service of administrative or judicial notices or processes may be made.

## **49 CFR Ch. V (10–1–15 Edition)**

### **§ 551.46 Who must comply with this subpart and when?**

(a) All foreign manufacturers, assemblers, and importers of motor vehicles or motor vehicle equipment (hereinafter referred to as “foreign manufacturers”) must comply with this subpart before offering a motor vehicle or item of motor vehicle equipment for importation into the United States.

(b) Unless and until a foreign manufacturer appoints an agent in accordance with the requirements of this subpart, it may not import motor vehicles or motor vehicle equipment into the United States.

### **§ 551.47 Who may serve as an agent for a foreign manufacturer?**

Only an individual, a domestic firm or a domestic corporation that is a permanent resident of the United States may serve as an agent under this subpart.

### **§ 551.48 May an official of a foreign manufacturer serve as its agent?**

(a) Generally no; an agent must be a permanent resident of the United States. Typically officials of foreign manufacturers and importers are not United States residents.

(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

**§ 551.49 May a foreign manufacturer replace its agent?**

(a) Yes, a foreign manufacturer may replace its agent in the same way it originally designated the agent. It must submit designation documents that meet the form and content requirements identified in the following section of this subpart. Until NHTSA receives designation documents meeting those requirements or a letter withdrawing an existing designation, the individual or domestic corporation originally designated will continue to serve as its agent for service of process.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

**§ 551.50 May more than one foreign manufacturer designate the same person as agent?**

Yes, any number of foreign manufacturers separately may designate the same person as agent.

**§ 551.51 May an agent assign performance of its functions to another individual or entity?**

No, an agent may not assign performance of its functions.

**§ 551.52 How long will a foreign manufacturer's designation of agent remain in effect?**

(a) A designation of agent remains in effect until replaced or withdrawn by a foreign manufacturer.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

FORM AND CONTENTS OF DESIGNATION

**§ 551.53 What is the required format for a designation?**

(a) All documents submitted under this subpart must be:

- (1) Original documents;

- (2) Written in English; and

- (3) Signed in ink.

(b) For each signature, the document must indicate in English:

- (1) The date of signature; and

(2) The name and title of the individual who signed the document.

(c) As long as documents submitted by a foreign manufacturer and its agent contain all required information (identified in §§ 551.54, 551.55 and 551.56 below), there is no mandatory format for the designation.

(d) NHTSA encourages foreign manufacturers to use the suggested designation form set forth in the appendix to this subpart. If completed and executed properly by both a foreign manufacturer and its agent, this form will comply fully with the requirements of §§ 551.53 through 551.65.

**§ 551.54 What are the required contents for a designation?**

The suggested designation form set forth in the Appendix, if completed and signed properly by a foreign manufacturer and its agent, contains all of the information necessary to create a valid designation under this subpart. Specifically, a valid designation must contain:

- (a) A Designation by Foreign Manufacturer; and

- (b) An Acceptance by Agent.

**§ 551.55 What information must a Designation by Foreign Manufacturer contain?**

A Designation by Foreign Manufacturer must contain:

(a) A statement that the designation is in valid form and binding on the foreign manufacturer under the laws, corporate bylaws or other requirements governing the making of designations at the place and time where it is made;

(b) The full legal name, principal place of business and mailing address of the foreign manufacturer;

(c) All trade or brand names, marks, logos or other designations of origin under which the foreign manufacturer's products will be sold; and

(d) The signature in ink, and the name and title of the official or employee signing the designation on behalf of the foreign manufacturer, who

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must have authority to appoint an agent.

### **§ 551.56 What information must an Acceptance by Agent contain?**

An Acceptance by Agent must contain:

(a) The full legal name, mailing address and telephone number of the agent;

(b) A statement that the agent accepts the designation and understands that (s)he may not assign performance of the agent's functions under the designation to another person or entity, and that the designation shall remain in effect until it is withdrawn or replaced by the foreign manufacturer;

(c) The signature in ink of the agent, or an official or employee of the domestic firm or corporation serving as the agent, who must authority to sign for the firm or corporation; and

(d) The name and title of the individual signing the acceptance.

### **§ 551.57 Who may sign the Designation by Foreign Manufacturer?**

Only an official or employee of the foreign manufacturer with authority to appoint an agent may sign the Designation by Foreign Manufacturer.

### **§ 551.58 Who may sign the Acceptance by Agent?**

Only the agent, in the case of an individual, or an official or employee, in the case of a domestic firm or corporation serving as the agent with authority to sign for that firm or corporation, may sign the Acceptance of Agent.

### **§ 551.59 May the same individual sign both the Designation by Foreign Manufacturer and Acceptance by Agent?**

(a) Generally no; the Designation by Manufacturer must be signed by an official or employee of the foreign manufacturer and the Acceptance by Agent must be signed by the foreign manufacturer's agent, in the case of an individual, or by an official or employee, in the case of a domestic firm or corporation serving as its agent.

(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the

## **49 CFR Ch. V (10–1–15 Edition)**

United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

### **§ 551.60 When must the Designation by Foreign Manufacturer be signed?**

(a) The foreign manufacturer must sign the Designation by Foreign Manufacturer on or before the date that the agent signs the Acceptance by Agent. It is not possible for an individual or entity to accept a designation as agent until on or after the date on which a foreign manufacturer makes the designation.

(b) If the Designation by Foreign Manufacturer is dated after the Acceptance by Agent, NHTSA will deem the designation insufficient under this subpart and reject the submission.

### **§ 551.61 When must the Acceptance by Agent be signed?**

(a) The agent, in the case of an individual, or an employee or official, in the case of a domestic firm or corporation serving as agent, must sign the Acceptance by Agent on or after the date that the manufacturer signs the Designation by Foreign Manufacturer. It is not possible for an individual or entity to accept a designation as agent until on or after the date on which the foreign manufacturer makes the designation.

(b) If the Acceptance by Agent is dated before the Designation by Foreign Manufacturer, NHTSA will deem the designation insufficient under this subpart and reject the submission.

**§ 551.62 Where should a foreign manufacturer mail the designation?**

Foreign manufacturers must mail their designations to the Office of the Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW, Washington, DC 20590. No other NHTSA office is authorized to accept designation documents. To avoid delays, the agency suggests using express mail services.

**§ 551.63 May a foreign manufacturer submit a designation by email or facsimile?**

No, the statute requires designation documents submitted by foreign manufacturers to contain original ink signatures. NHTSA will reject designation documents submitted via email or facsimile, as they do not satisfy this requirement.

**§ 551.64 What if designation documents submitted by a foreign manufacturer do not comply with this subpart?**

Designations of agent are binding on the foreign manufacturer even when their form and contents do not comply with this subpart, unless rejected by the agency.

**§ 551.65 What if a foreign manufacturer changes its name, address or product names or marks?**

(a) A foreign manufacturer must provide written notice to NHTSA of any

changes in its name, address or marks, trade names, or other designations of origin appearing on its products.

(b) Foreign manufacturers should mail notices to the Office of the Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, DC 20590. To avoid delays, the agency suggests using express mail services.

METHOD OF SERVICE OF PROCESS

**§ 551.66 What is the legal effect of service of process on an agent?**

Service on an agent of administrative or judicial notices or process is deemed to be service on a manufacturer.

**§ 551.67 Where and how may an agent be served?**

An agent may be served at the agent's office or usual place of residence, by registered or certified mail addressed to the agent with return receipt requested, or by any other manner authorized by law.

**§ 551.68 What if an agent cannot be served?**

If an agent cannot be served because the agent cannot be located, has ceased to exist or does not receive correctly addressed mail, service may be made by posting the notice or process in the Office of the Secretary of Transportation.

**APPENDIX: SUGGESTED DESIGNATION  
OF AGENT FOR SERVICE OF PROCESS  
UNDER 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D**

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**PART A: DESIGNATION BY FOREIGN MANUFACTURER**

Pursuant to 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D, the Foreign Manufacturer listed below hereby designates the following Agent on whom service of all administrative and judicial processes and notices may be made. This designation is for service of process only and for no other purpose. It shall remain in effect until it is withdrawn or another Agent is designated in accordance with the requirements of 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D.

The Manufacturer identified below hereby certifies:

1. This designation is in valid form and binding on the Manufacturer under the laws, corporate bylaws or other requirements governing the making of designations at the place and time where it is made.
2. The full legal name, principal place of business and mailing address of the Manufacturer are:  
\_\_\_\_\_  
\_\_\_\_\_
3. The Manufacturer's products will be sold under the following trade or brand names, marks, logos or other designations of origin (**List all names, marks, logos or designations**): \_\_\_\_\_  
\_\_\_\_\_
4. The full legal name, principal place of business, mailing address and telephone number of the Agent are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ / /  
Signature of Manufacturer's Authorized Representative      Month / Day / Year

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

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**PART B: ACCEPTANCE BY AGENT**

The undersigned hereby accepts appointment as Agent solely for the purpose of service of process on the Manufacturer under 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D. I understand that this appointment shall remain in effect until withdrawn or replaced by the Manufacturer in accordance with the requirements of 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D. I understand also that I may not assign performance of my functions under this Designation to another person.

By: \_\_\_\_\_ / /  
Signature of Agent      Month / Day / Year  
(Date of acceptance must be  
on or after date of designation)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**TO AVOID DELAYS, LEAVE NO SPACES BLANK; DO NOT SEND VIA FACSIMILE OR EMAIL**

Mail **original documents with ink signatures only** to: Office of the Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW, Washington, DC 20590

**PART 552—PETITIONS FOR RULE-  
MAKING, DEFECT, AND NON-  
COMPLIANCE ORDERS**

**Subpart A—General**

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**Subpart B—Petitions for Expedited Rule-  
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matic Suppression System Test Proce-  
dures for Federal Motor Vehicle Safety  
Standard No. 208, Occupant Crash  
Protection**

- 552.11 Application.
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AUTHORITY: 49 U.S.C. 30111, 30118, 30162; dele-  
gation of authority at 49 CFR 1.50.

SOURCE: 40 FR 42014, Sept. 10, 1975, unless  
otherwise noted.

**Subpart A—General**

**§ 552.1 Scope.**

This part establishes procedures for the submission and disposition of petitions filed by interested persons pursuant to 49 U.S.C. Chapters 301, 305, 321, 323, 325, 327, 329 and 331 to initiate rule-making or to make a decision that a motor vehicle or item of replacement equipment does not comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety.

[60 FR 17267, Apr. 5, 1995]

**§ 552.2 Purpose.**

The purpose of this part is to enable the National Highway Traffic Safety Administration to identify and respond on a timely basis to petitions for rule-making or defect or noncompliance decisions, and to inform the public of the

procedures following in response to such petitions.

[60 FR 17267, Apr. 5, 1995]

**§ 552.3 General.**

Any interested person may file with the Administrator a petition requesting him:

(a) To commence a proceeding respecting the issuance, amendment or revocation of a motor vehicle safety standard, or

(b) To commence a proceeding to decide whether to issue an order concerning the notification and remedy of a failure of a motor vehicle or item of replacement equipment to comply with an applicable motor vehicle safety standard or a defect in such vehicle or equipment that relates to motor vehicle safety.

[60 FR 17267, Apr. 5, 1995]

**§ 552.4 Requirements for petition.**

A petition filed under this part should be addressed and submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590. Each petition filed under this part must:

(a) Be written in the English language;

(b) Have, preceding its text, a heading that includes the word "Petition";

(c) Set forth facts which it is claimed establish that an order is necessary;

(d) Set forth a brief description of the substance of the order which it is claimed should be issued; and

(e) Contain the name and address of the petitioner.

**§ 552.5 Improperly filed petitions.**

(a) A petition that is not addressed as specified in § 552.4, but that meets the other requirements of that section, will be treated as a properly filed petition, received as of the time it is discovered and identified.

(b) A document that fails to conform to one or more of the requirements of § 552.4(a) through (e) will not be treated as a petition under this part. Such a document will be treated according to the existing correspondence or other appropriate procedures of the NHTSA, and any suggestions contained in it